

1 **Rebecca A. Caley** (CA Bar No. 131997)
2 **CALEY & ASSOCIATES**
3 **A Professional Corporation**
4 **265 S. Randolph Avenue, Suite 270**
5 **Brea, California 92821-5777**
(714) 529-1400 Telephone
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rcaley@caleylaw.com
6600-485

6 Attorneys for Plaintiff,
Mercedes-Benz Financial Services

9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 Santa Rosa Division

13 In re)	Case No. 11-13214-AJ 7	
14 Dean Gregory Asimos,)	Chapter 7	
15 Debtor.)	Adv. Case No. 14-01017	
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16 Mercedes-Benz Financial Services USA)	PLAINTIFF'S REQUEST FOR	
17 LLC, fka DCFS USA LLC,)		ENTRY OF DEFAULT;
18 Plaintiff,)		DECLARATION OF REBECCA A.
19 v.)	CALEY IN SUPPORT THEREOF	
20 Dean Gregory Asimos,)	DATE: April 21, 2014	
21 Defendant.)	TIME: 2:00 p.m.	
<hr/>		CTRM: Santa Rosa	

22
23 Plaintiff Mercedes-Benz Financial Services USA LLC fka DCFS USA LLC
24 ("Plaintiff") hereby requests the entry of default against defendant Dean Gregory
25 Asimos ("Defendant") and represents the following and submits the Declaration of
26 Rebecca A. Caley in support of its request.

27 On January 22, 2014, a Summons and Notice of Scheduling Conference in an
28 Adversary Proceeding was issued by the clerk of this court.

1 On January 30, 2014, the Summons and Notice of Scheduling Conference,
2 Complaint, and the Bankruptcy Dispute Resolution Program Information Sheet were
3 properly and timely served on Defendant in this adversary proceeding. Service was
4 made within 14 days of the issuance of the Summons. A copy of the Summons/
5 Certificate of Service and Supplemental Certificate of Service are attached hereto
6 marked as **Exhibits "1" and "2,"** respectively.

7 The Defendant was required to file an answer, other responsive pleading to the
8 complaint or a motion pursuant to Fed. R. Bankr. P. 7012 on or before February 21,
9 2014. The Defendant did not file an answer, a motion or other responsive pleading by
10 that date.

11 The Defendant has not been granted a request for an extension of time to file a
12 responsive pleading.

13 Therefore, Plaintiff requests that default be entered against the Defendant.

14 I declare under penalty of perjury under the laws of the United States of America
15 that the foregoing is true and correct.

16
17 Dated: February 26, 2014


REBECCA A. CALEY

18
19
20 **DECLARATION OF REBECCA A. CALEY**

21 1. The Defendant is an individual. Service was effected in compliance with
22 Fed. R. Bankr. P. 7004(b)(1).

23 2. The Defendant is not an infant nor is declarant aware that Defendant is an
24 incompetent person.

25 3. The declarant is unaware that Defendant is entitled to the benefits of the
26 Servicemembers Civil Relief Act of 2003. (50 App. U.S.C.A. 501, et seq.)

27 ///

28 ///

1 I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct.

3
4 Dated: February 26, 2014


REBECCA A. CALEY

UNITED STATES BANKRUPTCY COURT
Northern District of California

In Re:
Dean Gregory Asimos Debtor(s)

Bankruptcy Case No.: 11-13214
Chapter: 7

Mercedes-Benz Financial Services USA LLC f/k/a DCFS
USA LLC Plaintiff(s)

vs.
Dean Gregory Asimos Defendant(s)

Adversary Proceeding No. 14-01017

**SUMMONS AND NOTICE OF SCHEDULING CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

United States Bankruptcy Court
99 South "E" Street
Santa Rosa, CA 95404

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Rebecca A. Caley
Law Offices of Caley and Assoc.
265 S Randolph Ave. #270
Brea, CA 92821-5777

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that a scheduling conference of proceeding commenced by filing of the complaint will be held at the following time and place.

DATE: April 21, 2014

TIME: 02:00 PM

LOCATION: U.S. Bankruptcy Court, Courtroom, 99 South E St., Santa Rosa, CA 95404

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT. PLAINTIFF SHALL PROMPTLY SERVE A COPY OF THE BANKRUPTCY DISPUTE RESOLUTION PROGRAM INFORMATION SHEET ON ALL PARTIES. A COPY OF THE INFORMATION SHEET IS AVAILABLE ON THE COURT'S WEBSITE AT WWW.CANB.USCOURTS.GOV AND THE CLERK'S OFFICE.



For the Court:

Gloria L. Franklin
Clerk of Court
United States Bankruptcy Court

Dated: 1/22/14

Wendy Karnes
Deputy Clerk

CERTIFICATE OF SERVICE

I, Kana I. Law (name), certify that service of this summons and copy of the complaint was made Jan. 30, 2014 (date) by:
*together with the Bankruptcy Dispute Resolution Program Information Sheet (5 pages)

☒ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:
See attached Service List.

☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult as:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addresses to the following officer of the defendant at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date Jan. 30, 2014 Signature *Kana I. Law*
Kana I. Law
Print Name: _____

Business Address: 265 S. Randolph Avenue, Suite 270
Brea, CA 92821-5777

SERVICE LIST

DEBTOR/DEFENDANT

Dean Gregory Asimos
340 Lorton Avenue, #215
Burlingame, CA 94010

DEBTOR'S ATTORNEY

Scott J. Sagaria
Joseph Angelo
Law Offices of Scott J. Sagaria
333 W. San Carlos Street, #620
San Jose, CA 95110

CHAPTER 7 TRUSTEE

Timothy W. Hoffman, Trustee
PO Box 1761
Sebastopol, CA 95473

U.S. TRUSTEE

Office of the U.S. Trustee/SR
235 Pine Street, Suite 700
San Francisco, CA 94104

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2 **CALEY & ASSOCIATES**
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6 Attorneys for Plaintiff,
7 Mercedes-Benz Financial Services
8

9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 Santa Rosa Division
12

13 In re
14 Dean Gregory Asimos,
15
16 Debtor.

17 Mercedes-Benz Financial Services USA
18 LLC, fka DCFS USA LLC,
19 Plaintiff,

20 v.

21 Dean Gregory Asimos,
22 Defendant.

Case No. 11-13214-AJ 7

Chapter 7

Adv. Case No. 14-01017

SUPPLEMENTAL CERTIFICATE
OF SERVICE OF SUMMONS AND
COMPLAINT ON DEFENDANT

DATE: April 21, 2014
TIME: 2:00 p.m.
CTRM: Santa Rosa

23
24 STATE OF CALIFORNIA
25 COUNTY OF ORANGE

26 I am employed in the County of Orange, State of California. I am over the age of
27 18 years and not a party to the within action; my business address is 265 S. Randolph
28 Avenue, Suite 270, Brea, California 92821-5777.

EXHIBIT "2"

1 On **January 31, 2014**, I served the foregoing documents described as:
2 1) Summons and Notice of Scheduling Conference in an Adversary Proceeding;
3 2) Complaint to Determine Dischargeability of Debt;
4 3) Bankruptcy Dispute Resolution Program Information Sheet;
5 4) Supplemental Certificate of Service of Summons and Complaint on Defendant;
6 on Defendant in this action by placing a true copy thereof enclosed in a sealed envelope,
7 first class postage fully prepaid and addressed as follows, since mail previously sent to
8 the Defendant at the petition address of 340 Lorton Avenue, #215, Burlingame, CA
9 94010, was returned by the Postmaster marked: "Not deliverable as addressed, unable to
10 forward:"

11 DEFENDANT
12 Dean Gregory Asimos
13 1040 E. MacArthur Street
14 Sonoma, CA 95476
15 PERSONAL AND CONFIDENTIAL

16 A copy of the Supplemental Certificate of Service was additionally served on the
17 following parties:

18 DEBTOR'S ATTORNEY
19 Scott J. Sagaria
20 Law Offices of Scott J. Sagaria
21 333 W. San Carlos Street, #1700
22 San Jose, CA 95110

23 CHAPTER 7 TRUSTEE
24 Timothy W. Hoffman, Trustee
25 PO Box 1761
26 Sebastopol, CA 95473

27 U.S. TRUSTEE
28 Office of the U.S. Trustee/SR
235 Pine Street, Suite 700
San Francisco, CA 94104

29 I am "readily familiar" with the firm's practice of collection and processing
30 correspondence for mailing. Under that practice, it would be deposited with the U.S.
31 Postal Service on that same day with postage thereon fully prepaid at Brea, California,

1 in the ordinary course of business. I am aware that on motion of the party served,
2 service is presumed invalid if postal cancellation date or postage meter date is more than
3 one day after date of deposit for mailing in affidavit.

4 Executed on **January 31, 2014**, at Brea, California.

5 I declare under penalty of perjury under the laws of the State of California that
6 the foregoing is true and correct and that I am employed in the office of a member of
7 this court at whose direction the service was made.

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Kana I. Law

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